

Development Review Committee

Staff Report

November 16, 2016



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| Case No: | 16DEVPLAN1168 |
| Request: | Revised Detailed District Development Plan |
| Project Name: | ALDI #38 |
| Location: | 3442 Preston Hwy |
| Owner: | ALDI (INDIANA) L.P. |
| Applicant: | Adam Kastl, ALDI Inc. Greenwood Division |
| Representative: | John Campbell, Heritage Engineering, LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 21 - Dan Johnson |
| Case Manager: | Laura Mattingly, Planner I |

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 3,287 square foot expansion on an existing 14,860 square foot grocery store, located along Preston Highway, just northeast of the I-65/I-264 exchange. The applicant has proposed all required sidewalk connections and connections to adjacent sites. The addition will be at the front of the building and will remove 12 existing parking spaces, leaving a total of 106 spaces, exceeding the maximum parking restriction in the Land Development Code. As the expansion of the area of the building and the decrease in parking brings the site more into compliance, a parking waiver is not required.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|--------------------------------------|----------------------------------|---------|---------------|
| <i>Subject Property</i> | | | |
| Existing | Grocery | C-1 | SMC |
| Proposed | Grocery | C-1 | SMC |
| <i>Surrounding Properties</i> | | | |
| North | Retail | C-1 | SMC |
| South | Commercial/Vacant | C-1/R-5 | SMC |
| East | Single Family Residential/Retail | R-5/C-1 | N/SMC |
| West | Educational Facility | R-5 | SMC |

PREVIOUS CASES ON SITE

9-50-88: Change in zoning from R-4, Single Family Residential, to C-1 and C-2, Commercial (Approved October 6, 1988 by Planning Commission).
Detailed Development Plan for grocery (Approved November 25, 1992 by the Land Development & Transportation Committee).

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: LOJIC has not identified any natural resources on site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with a proposed 5' walk connection from the existing sidewalk to the entrance of the building. There is an existing shared access from Preston Hwy on the North side of the site and the applicant is proposing a vehicular connection to the property to the south.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There is no open space requirement with this proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall land use and building design are compatible with the existing and future development of the area. This area is an established commercial corridor with nearby single family housing. The expansion of this existing commercial use continues to be compatible with surrounding development.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan as it is improving an already needed service for this area.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A crossover access agreement will have to be recorded with the property to the south once the vehicular connection is made

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for approving of the RDDDP established in the Land Development Code.

ACTIONS

- **APPROVE or DENY** the revised detailed district development plan

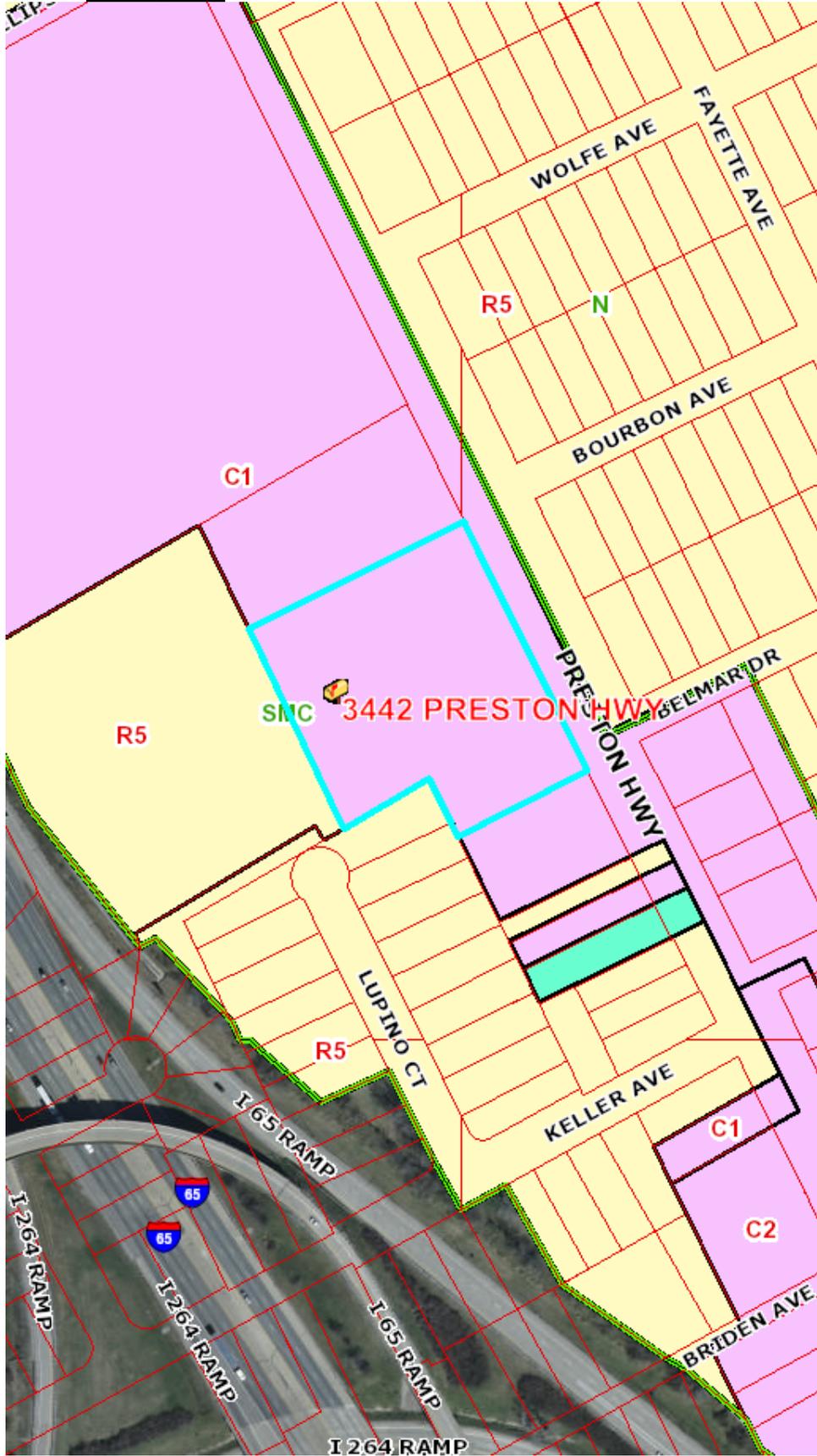
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------|----------------------|--|
| 11/2/2016 | Public Meeting – DRC | Neighborhood notification recipients |
| 11/4/2016 | Public Meeting – DRC | 1 st tier adjoining property owners |

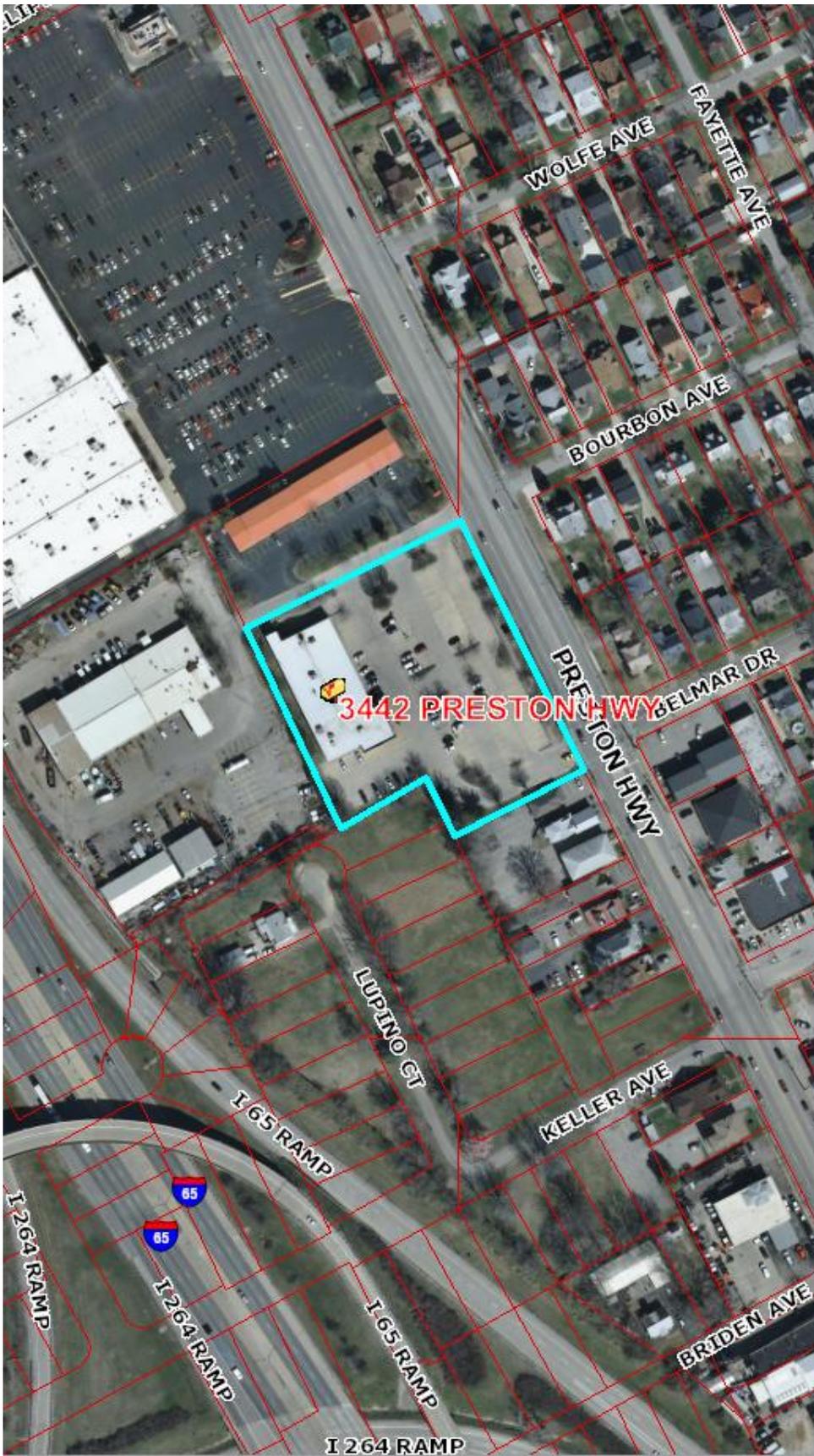
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Amended Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

All binding elements from the approved General Development Plan (9-50-88) are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
 2. The development shall not exceed 14,860 square feet of gross floor area.
 3. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a) The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - b) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c) The property owner/developer must obtain approval of a detailed plan for screening (huffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
 5. The permitted uses within the development shall be those uses allowed in the C-1 Commercial District plus the following permitted use:

Restaurant with outdoor seating where entertainment is excluded and no alcoholic beverages are served or consumed outside which is adequately screened and buffered from adjacent residential development.
- Binding Element No. 5 may not be changed, amended or removed by the Planning Commission without a public hearing in accordance with the notice requirements set forth in XRS 100.212.
6. In the event that the City of Louisville Board of Aldermen enact an ordinance amending the permitted uses within the C-1 Commercial District to allow the operation of restaurants, where-food and drink may be served or consumed, outside as well as inside a building, the applicant agrees that the application" for rezoning may be considered to have been amended to request to rezone the development to C-1 Commercial District.
 7. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 75 square feet in area 29 feet in height.
 8. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
 9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must b.e implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

4. Proposed Amended Binding Elements

2. The development shall not exceed ~~44,860~~ **18,147** square feet of gross floor area.

3. Before a building or alteration permit and/or a certificate of occupancy is requested:

a) The development plan must ~~be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.~~ **receive full construction approval from Develop Louisville and the Metropolitan Sewer District.**

b) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

c) The property owner/developer must obtain approval of a detailed plan for screening (huffering/landscaping) as described in ~~Article 12~~ **Chapter 10 prior to requesting a building permit.** Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.

8. If a building permit is not issued within ~~one year~~ **two years** of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.